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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Argentina, Australia, Austria, Belgium, Bolivia, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland: draft resolution

Safety and security of humanitarian personnel and protection of United Nations personnel

The General Assembly,

Reaffirming its resolution 46/182 of 19 December 1991 on strengthening of the coordination of humanitarian emergency assistance of the United Nations,

Recalling all relevant resolutions on safety and security of humanitarian personnel and protection of United Nations personnel, including its resolution 58/122 of 17 December 2003, Economic and Social Council resolution 2004/50 of 23 July 2004 and Security Council resolution 1502 (2003) of 26 August 2003,

Taking note of all resolutions and presidential statements of the Security Council and reports of the Secretary-General to the Security Council on the protection of civilians in armed conflict,

Recalling all relevant provisions of international law, including international humanitarian law and human rights law, as well as all relevant treaties,[1]

[1] They include, notably, the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, the Convention on the Safety and Security of United Nations and Associated Personnel of 9 December 1994, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the Additional Protocols to the Geneva Conventions of 8 June 1977, and Amended Protocol II of 3 May 1996 to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980.

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Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law,

Recalling that primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and its associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with relevant organizations,

Urging all parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949[2] and the obligations applicable to them under the Additional Protocols thereto, of 8 June 1977,[3] to ensure the security and protection of all humanitarian personnel and United Nations and its associated personnel,

Welcoming the fact that the number of States parties to the Convention on the Safety of United Nations and Associated Personnel,[4] which entered into force on 15 January 1999, has continued to rise, the number now having reached seventy-seven, and mindful of the need to promote universality of the Convention,

Deeply concerned by the dangers and security risks faced by humanitarian personnel and United Nations and its associated personnel at the field level, as they operate in increasingly complex contexts, as well as the continuous erosion, in many cases, of respect for the principles and rules of international law, in particular international humanitarian law,

Expressing profound regret at the deaths of international and national humanitarian personnel and United Nations and its associated personnel involved in the provision of humanitarian assistance, and strongly deploring the rising toll of casualties among such personnel in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations,

Strongly condemning acts of murder and other forms of violence, rape and sexual assault and all forms of violence committed in particular against women, and intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of property,

Commending the courage and commitment of those who take part in humanitarian operations, often at great personal risk, especially of locally recruited staff,

Expressing concern that the occurrence of attacks and threats against humanitarian personnel and United Nations and its associated personnel is a factor that increasingly restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate under the Charter,

Recalling the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with

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[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[3] Ibid., vol. 1125, Nos. 17512 and 17513.

[4] Resolution 49/59, annex.

the Charter as a war crime in the Rome Statute of the International Criminal Court,[5] and noting the role that the Court could play in appropriate cases in bringing to justice those responsible for serious violations of international humanitarian law,

Reaffirming the need to ensure adequate levels of safety and security for United Nations personnel and its associated humanitarian personnel, which constitutes an underlying duty of the Organization, and mindful of the need to promote and enhance the security consciousness within the organizational culture of the United Nations and a culture of accountability at all levels,

Emphasizing the urgent need to take concrete measures to strengthen the effectiveness of the security management system for the United Nations, and in this regard mindful of the report of the Secretary-General on a strengthened and unified security management system for the United Nations,[6]

1. *Welcomes* the report of the Secretary-General on the safety and security of humanitarian personnel and protection of United Nations personnel;[7]

2. *Urges* all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international law, including international humanitarian law, human rights law and refugee law related to the safety and security of humanitarian personnel and United Nations personnel;

3. *Strongly urges* all States to take the necessary measures to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel and to respect and ensure respect for the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

4. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

5. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;[4]

6. *Also calls upon* all States to consider becoming parties to and to respect fully their obligations under the Convention on the Privileges and Immunities of the United Nations[8] and the Convention on the Privileges and Immunities of the Specialized Agencies,[9] which have been ratified so far by one hundred and forty-eight States and one hundred and eight States, respectively;

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[5] See *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[6] A/59/365 and Add.1 and Corr.1.

[7] A/59/332.

[8] Resolution 22 A (I).

[9] Resolution 179 (II).

7. *Further calls upon* all States to consider becoming parties to the Rome Statute of the International Criminal Court;[5]

8. *Takes note with appreciation* of the important progress made by the working group and the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel, and notes that the Ad Hoc Committee will reconvene from 11 to 15 April 2005 with a mandate to expand the scope of legal protection under the said Convention, including, inter alia, by means of a legal instrument;[10]

9. *Expresses deep concern* that, over the past decade, threats against the safety and security of humanitarian personnel and United Nations and its associated personnel have escalated dramatically and that perpetrators of acts of violence seemingly operate with impunity;

10. *Strongly condemns* all threats and acts of violence against humanitarian personnel and United Nations and its associated personnel, affirms the need to hold accountable those responsible for such acts, strongly urges all States to take stronger actions to ensure that any such acts committed on their territory are investigated fully and to ensure that the perpetrators of such acts are brought to justice in accordance with international law and national law, and notes the need for States to end impunity for such acts;

11. *Calls upon* all States to provide adequate and prompt information in the event of the arrest or detention of humanitarian personnel or United Nations and its associated personnel, to afford them the necessary medical assistance and to allow independent medical teams to visit and examine the health of those detained, and urges them to take the necessary measures to ensure the speedy release of those who have been arrested or detained in violation of the relevant conventions referred to in the present resolution and applicable international humanitarian law;

12. *Calls upon* all other parties involved in armed conflicts to refrain from abducting humanitarian personnel or United Nations and its associated personnel or detaining them in violation of the relevant conventions referred to in the present resolution and applicable international humanitarian law, and speedily to release, without harm or requirement of concession, any abductee or detainee;

13. *Reaffirms* the obligation of all humanitarian personnel and United Nations and its associated personnel to observe and respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations;

14. *Requests* the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and also requests the Secretary-General to seek the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and its associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

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[10] In accordance with resolution A/59/47 of 2 December 2004.

15. *Recommends* that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, among others, those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

16. *Requests* the Secretary-General to take the necessary measures, falling within his responsibilities, to promote and enhance the security consciousness and measures within the organizational culture of the United Nations system and the United Nations agencies, funds and programmes, including by disseminating and ensuring the implementation of the security procedures and regulations and by ensuring accountability at all levels;

17. *Emphasizes* the importance of paying special attention to the safety and security of United Nations and its associated personnel engaged in United Nations peacekeeping and peacebuilding operations;

18. *Also emphasizes* the need to give further consideration to the safety and security of locally recruited humanitarian personnel, who account for the majority of casualties;

19. *Requests* the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about and operate in conformity with the minimum operating security standards and relevant codes of conduct and are properly informed about the conditions under which they are called upon to operate and the standards that they are required to meet, including those contained in relevant national and international law, and that adequate training in security, human rights law and international humanitarian law is provided so as to enhance their security and effectiveness in accomplishing their functions, and reaffirms the necessity for all other humanitarian organizations to provide their personnel with similar support;

20. *Stresses* the importance of ensuring that humanitarian personnel and United Nations and associated personnel remain sensitive to national and local customs and traditions in their countries of assignment and communicate clearly their purpose and objectives to local populations;

21. *Stresses* the need to ensure that all United Nations staff members receive adequate security training, including physical and psychological training, prior to their deployment to the field, the need to attach a high priority to the improvement of stress and trauma counselling services available to United Nations staff members, including through the implementation of a comprehensive security and stress and trauma management training, support and assistance programme for United Nations staff throughout the system, before, during and after missions, and the need to make available to the Secretary-General the means for that purpose;

22. *Recognizes* the need for a strengthened and unified security management system for the United Nations, both at the headquarters and the field levels, and requests the United Nations system, as well as Member States, to take all appropriate measures to that end;

23. *Takes note of* the report of the Secretary-General on a strengthened and unified security management system for the United Nations;[6]

24. *Welcomes* the ongoing efforts of the Secretary-General to further enhance the security management system of the United Nations, and in this regard invites the United Nations and other humanitarian organizations to strengthen the analysis of threats to their safety and security in order to minimize security risks and to facilitate informed decisions on the maintenance of an effective presence in the field, inter alia, to fulfil their humanitarian mandate;

25. *Requests* the Secretary-General, inter alia, through the Inter-Agency Security Management Network, to promote increased cooperation and collaboration among United Nations agencies, funds and programmes, including between their headquarters and field offices, in the planning and implementation of measures aimed at improving staff security, training and awareness, and calls upon all relevant United Nations agencies, funds and programmes to support these efforts;

26. *Recognizes* the need for enhanced coordination and cooperation, both at the headquarters and the field levels, between the United Nations security management system and non-governmental organizations on matters relating to the safety and security of humanitarian personnel and United Nations and its associated personnel, with a view to addressing mutual security concerns in the field;

27. *Underlines* the need to allocate adequate and predictable resources to the safety and security of United Nations personnel, encourages all States to contribute to the Trust Fund for Security of Staff Members of the United Nations System and to meet requirements in the Consolidated Appeals, without prejudice to the outcome of the ongoing discussions in the General Assembly regarding the funding for safety and security;

28. *Recalls* the essential role of telecommunication resources in facilitating the safety of humanitarian personnel and United Nations and its associated personnel, calls upon States to consider acceding to or ratifying the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998, and encourages them to facilitate and expedite, consistent with their national laws and regulations, the use of communications equipment in such operations, inter alia, through limiting and, whenever possible, lifting the restrictions placed on the use of communications equipment by United Nations and its associated personnel;

29. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session a comprehensive and updated report on the safety and security of humanitarian personnel and protection of United Nations personnel and on the implementation of the present resolution.